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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,193	01/03/2002	Johannes-Gerh Banghard	3286-0163P	9466

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EXAMINER

FISHMAN, MARINA

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 09/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/914,193

Applicant(s)

BANGHARD ET AL.

Examiner

Marina Fishman

Art Unit

2832

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 13 June 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***General Status***

1. This is a First Action after RCE. Claims 1 – 4 are pending in the case and are being examined.
2. Applicant has requested an interview prior to the Office Action. Examiner has made several attempts to schedule the interview. Eventually the interview was scheduled on the 09/08/2003, but was canceled by Timothy Wyckoff. Examiner attempted to reschedule the interview, but Timothy Wyckoff has failed to return Examiner's telephone call. Due to the time constraints, Examiner must issue this Action.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claim 1 - 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hakamata et al. [US 5763848] in view of Cherry et al. [US 4216360] and Stegmüller [US 4962289].

Hakamata et al. disclose a vacuum circuit interrupter [Figure 5] including:

  - a stationary contact tip in flat spiral form [4];
  - a moveable contact tip in flat spiral form [5];
  - a cylindrical bolt [7];

- an annular insulator [3];
- a metallic separating wall [Figure 5].

Hakamata et al. disclose the instant claimed invention except for: a power current connection of the stationary contact tip in the form of a plate and a membrane disc with concentric corrugations, number of which should be at least 3. Cherry et al. disclose a low voltage vacuum switch [Figures 1 – 3] having the power current connection of the stationary contact tip in the form of the plate [18a; column 3, lines 8 – 15]. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the power current connection of the stationary contact tip in the form of the plate in Hakamata et al., as suggested by Cherry et al., in order to reduce size of the vacuum switch and to facilitate an electrical connection [Column 3, lines 8 – 15].

Stegmüller discloses a switch chamber for a vacuum switch [Figure 4] having a membrane disc with concentric corrugations [24] with a wall thickness  $\leq 1$  mm.

Cherry et al. disclose a low voltage vacuum switch [Figures 1 – 3] having a membrane disc with at least 3 full corrugations.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the membrane disc with concentric corrugations in Hakamata et al., as suggested by Stegmüller and Cherry et al., in order to reduce size of the switch [Column 5, lines 45 – 51].


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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 703-305-1665. The examiner can normally be reached on 6-4 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on (703) 308-1782. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1920.



**ANNA MAI  
PRIMARY EXAMINER**

Marina Fishman  
September 11, 2003